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Security Council

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Note by the Secretary-General concerning the date of an election to fill a vacancy in the International Court of Justice

1. By a letter dated 25 January 2010, a certified copy of which was forwarded to the Secretary-General by a letter dated 26 January 2010 from the President of the International Court of Justice, which letter was received on 18 February 2010, Judge, former Vice-President and former President Shi Jiuyong informed the President of the Court, pursuant to Article 13, paragraph 4, of the Statute of the Court, that he wished to resign as a member of the Court effective 28 May 2010. A vacancy in the Court will therefore occur on this date.

2. Judge, former Vice-President and former President Shi Jiuyong was elected a member of the Court on 10 November 1993 and was re-elected on 21 October 2002 for a term of office ending on 5 February 2012. He served as Vice-President of the Court from 2000 to 2003. From 6 February 2003 to 6 February 2006, he served as President of the Court.

3. Article 14 of the Statute of the Court provides as follows:

> "Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

4. Article 5, paragraph 1, of the Statute provides as follows:

> "At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court."

5. Since the date of the election is to be fixed by the Security Council, the Council may wish to consider this issue at an early meeting, taking into consideration the fact that the Secretary-General's communication must be issued within one month of the occurrence of the vacancy and at least three months before the date of the election. The Secretary-General intends to issue his communication inviting the parties concerned to nominate persons to fill the vacancy as soon as the Council has fixed the date of the election.

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